

MC/19/0123

Date Received: 16 January 2019

Location: Former Toys R Us Horsted Retail Park Maidstone Road Chatham

Proposal: Refurbishment and subdivision of former Toys R Us retail unit (Class A1) including part use for retail sale of food and drink (Unit E2) and part change of use from retail (Class A1) to assembly and leisure (Class D2) (Unit E1); revised car parking and servicing arrangements; security gates and barrier entry system; trolley bays; widening of existing retail park access road; landscaping; relocation of substation; off-site highway improvements; and associated works

Applicant Royal London UK Real Estate Fund

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Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 24th April 2019.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

194 Rev A, 195 Rev C, 196 Rev E, 198 Rev C, 173 Rev F, 197 Rev B received 16/01/2019 and 29/01/2019

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification), the use of the unit referred to as E1 shall only be as Gymnasiums use and no change of use within D2 use as defined by the use classes order (as amended) shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 Prior to the commencement of the development hereby permitted (including demolition works) details in respect of the followings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- I) The routing of construction traffic throughout the construction process and the mechanism for securing adherence to approved routes.
 - II) Loading and unloading of plant and materials.
 - III) Storage of plant and materials used in constructing the development the erection and maintenance of security fencing.
 - IV) Wheel washing facilities.
 - V) measures to control the emission of dust and dirt during construction
 - VI) A scheme for recycling/disposing of waste resulting from the construction works.
 - VII) Construction hours.

Reason: In the interests of highway safety and amenity of the area and in compliance with Policies BNE2 and T1 of Medway Local Plan.

- 5 Prior to the occupation of the development, a Green Travel Plan, including measures to promote sustainable travel to and from the site, shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be implemented in accordance with the approved details prior to first occupation of the development.

Reason: In the interest of highway safety and to improve traffic flow in accordance with Policy T1 of the Medway Local Plan.

- 6 No part of the development shall commence until full details of the following highway improvements have been submitted to and approved in writing by the Local Planning Authority:
- A. Adjustments to the give-way line where the retail park access road joins the A229/Shirley Avenue roundabout junction and the cutting back of vegetation at the retail park egress
 - B. Visual barriers in the central reservations on the northern and southern arms of the junction and a soft landscaping scheme for the centre of the roundabout
 - C. Widening of the southern arm of the junction, providing a short left-turn lane for traffic entering the retail park
 - D. The provision of a signalized pedestrian crossing across the southern arm of the junction and new sections of connecting footway on the east and west sides of the A229 carriageway

The approved details shall thereafter be implemented in full prior to first occupation of the development.

Reason: to ensure the development preserves conditions of highway safety, pedestrian safety and the free flow of traffic, in accordance with Policies T1, T2 and T3 of the Medway Local Plan.

- 7 No part of the development shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority to show the location of electric vehicle charging points. The development shall be implemented in accordance with the approved details prior to first occupation and shall be maintained in full working order thereafter

Reason: to mitigate the additional vehicle emissions and encourage the use of low emission vehicles by future occupants.

- 8 The retail store use hereby approved shall not be open to customers outside the following times: 07:00 and 23:00 on any day.

Reason: In the interests of residential amenities of the occupiers of the nearby residential properties and in compliance with Policy BNE2 of the Medway Local Plan.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

Refurbishment and subdivision of former Toys R Us retail unit (Class A1) To deliver:

- Unit E1 (UFC Gym) : 1,700 square metres (gross); Class D2 use, assembly and leisure and
- Unit E2 (Home Bargains): 2,002 square metres (gross).Class A1 retail use including part use for retail sale of food and
- Revised car parking and servicing arrangements;
- Security gates and barrier entry system;
- Trolley bays;
- Widening of existing retail park access road;
- Landscaping;
- Relocation of substation;
- Off-site highway improvements; and associated works

Relevant Planning History

MC/19/0125	Application for non-material amendment to planning permission MC/17/4259 - to enable reconfiguration of the car park to increase the number of parking spaces, alteration of the facade of KFC and Toys 'R' Us, boundary treatment and removal of tree. Approved 19/02/2019
MC/17/4259	Erection of a single storey new supermarket building with total external 1990 m ² floor area and net retail floor area of 1430m ² , erection of a two storey restaurant with a drive-thru total floor areas on two floors of 477.5m ² and The re- arrangement and provision of 196 car parking spaces including 15 disabled parking spaces out of the existing 373 car parking spaces and provision for bicycle shelters with capacity for 20 bicycles to facilities to serve the proposed KFC drive thru and the retail convenient store. Decision Approved with condition and section 106 Decided 26/06/2018
MC/02/1005	Application for variation of condition 15 of planning permission ME/86/0428 for insertion of mezzanine floor for use as showroom Decision Approval with Conditions Decided 12/02/2003
86/428/A	Details pursuant to outline for the erection of retail units with car parking spaces and associated road works Decision Approval with Conditions Decided 27/03/1987
86/428	Outline application for retail (non- food) with ancillary offices, storage and parking facilities Decision Approval with Conditions Decided 11/09/1986

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

12 letters have been received in support of the application.

7 representations have been received in support of the application but have concern about the impact of the proposal on the Tiger Moth roundabout, road capacity and potential parking that might spill over into the residential areas like High view Drive.

13 letters have been received objecting on the grounds that the proposal would impact on the roundabout and highway.

The Pentagon Shopping Centre have written objecting to the application and stating that the applicant has applied insufficient flexibility to the sequential test and as such it has overlooked sites in Chatham Town Centre that are capable of accommodating the proposed development. It therefore fails the sequential test and in accordance with Para 90 of the NPPF, it should be refused.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2019 and are considered to conform.

Planning Appraisal

Background

Members will be aware that about a year ago Toys R Us at Horsted Park stopped trading and closed down. The unit has in excess of 3,856m² retail floor space and 854m² of ancillary storage and office mezzanine floor area.

The applicant has not been able to find an occupier for the Toys R Us premises as a single trading unit due to the decline in the market demand for retail units with large floor area.

The applicant therefore wishes to respond proactively to the needs of the market and is proposing to sub-divide the Toys R Us retail building into two smaller units. In addition it is proposed to carry out changes to the external appearance in order to facilitate the resulting units to operate independent of each other and upgrade the appearance of the building.

The proposal involves subdivision of the current A1 retail premises into two units. Unit 1 (just over 2000m²) will be an A1 retail use (Home Bargains) with some percentage of the floor area to be used for retail sale of food and drink (referred to as unit E2) and the second unit with a smaller floor area (1700m²) for use as a Gym which is an assembly and leisure (Class D2) use (referred to as unit E1).

The applicant intends to re-arrange the car parking area in front of the building to increase and improve disabled parking provision. These alterations have already been considered under a non-material application (see planning History above) and been approved.

The Committee will be aware that condition 16 of the 1986 planning permission restrict the number of trading units in the Horsted Park to no more than 6 units.

Currently there are only 5 trading units operating at Horsted Park comprising:

1. Currys/PCWorld
2. Carpet Right
3. Pets at Home
4. Home Base, and
5. Toys R Us

The proposal to subdivision the Toys R Us to 2 separate trading units will result in creation of 6 trading units in the Horsted Park. The proposal for subdivision in itself therefore would be in conformity with the terms of the condition no 16 of ME/86/0428.

The reason why the proposal requires planning permission is because the A1 retail part includes a food element, which is specifically restricted by condition on the 1986 application, while the gym element represents a change of use requiring permission.

As the planning history shows a separate planning permission has been granted for a new Aldi and KFC store at the Horsted Retail Park.

Principle

Paragraph 80 of the NPPF states that Planning Policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 81 (d) says Planning Policies should be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices ..., and to enable a rapid response to changes in economic circumstances.

Paragraph 89 of the NPPF says when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the

development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500sq m). This should include assessment of:

- A. The impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- B. The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

Policies S1 and S2 of the Local Plan seek to prioritise and re-invest in the urban fabric. This includes the redevelopment and recycling of underused and derelict land within the urban area. Proposed development should maintain and improve environmental quality, and provide a range of facilities for local people in accordance with the sequential approach.

Policy S5 of the Local Plan sets out that Chatham town centre will be developed as the major, multi-use 'city' centre for Medway. Proposals for large scale retail development should be directed to the centre in the first instance.

In considering the proposals it is important to highlight that the proposed subdivision does not require planning permission and nor would the use for non-food A1 use.

The applicant has carried out a sequential assessment and concluded that there are no sites within Chatham town centre that adequately satisfy the requirement of either Home Bargains or UFC (GYM). As such, the former Toys R Us premises and the resulting subdivided units are the most appropriate premises for the prospective occupiers.

It is considered, in light of the special business model of the prospective occupiers' that suitable town centre location(s) are not available. In addition it must be recognised that A1 non-food uses could take place without planning permission. On balance the proposal would not adversely impact on the vitality and viability of Chatham Town Centre and the applicant's sequential assessment is accepted. The proposal would be in compliance with Policies R11, R13 and L2 of the local plan.

The proposed store, when open, would generate up to 88 full and part time new job opportunities. The majority of these job opportunities will be available to local people.

It is also important to give weight to the fact that the former Toys R Us building is currently the only trading unit on the north side of Horsted Park and its current vacant situation is detracting from the vitality and appearance of the Park and not contributing to the local employment or economy. The proposal would help to enhance the appearance of this very much dated building, generate up to 88 full and part time jobs and as part of the other recent approvals will bring back new life to the northern section and revitalise the Horsted Park as a whole.

It is considered in light of the above the proposal not only accords with paragraph 89 of the NPPF but also paragraph 81d by responding positively and flexibly to changing economic circumstances.

Alterations to frontage

The application proposes alterations to the existing retail frontage to facilitate the creation of two separate units. Broadly, the alterations proposed to the front elevation of the building are considered to be relatively minor in nature and would help to enhance the dated façade of the building and as such are not considered to represent a harmful alteration to the overall character, appearance and aesthetics of the store and Horsted Park as a whole.

Similarly, the proposed new service bay to the northwest corner of the building is considered to be minor change to the rear elevation of the building and acceptable and in compliance with policy BNE1 of the local plan.

Amenity

The nearest residential units are situated to the east of the Maidstone Road and as such activities associated with the proposed uses would not impact on the amenities of the occupiers of these properties.

It is proposed that the UFC Gym would open 24 hours of the day and every day of the week. It is considered that given the distance of the D2 use premises to the residential properties, the proposed hours of use would not cause harm to the amenities of these occupiers.

To ensure that the building would not be occupied for other uses within the D2 class, it is recommended that a condition be imposed restricting the use to GYM uses only.

Additional security measures including Security lighting and CCTV are also proposed to prevent anti-social behaviour within the car park outside of retail trading hours.

It is considered that the proposal would accord with Policy BNE2 of the local plan.

Highways

A number of issues regarding the development of the site have already been considered under application MC/17/4259. Therefore the key considerations for this application in relation to highways are impact to the highway network and level of parking provided.

The Transport Assessment (TA) submitted with the application uses the TRICS trip generation database to estimate what the development proposals are likely to generate and also provides a comparison with the existing permission for the site.

The TA outlines that the combined flows associated with the gym and the retail unit are likely to generate 129 two way trips during the evening peak and approx. 128 two way trips during the Saturday afternoon peak (these trips do not take into account diverted, linked or pass by trips)

The applicant then compiled a trip generation for the existing use (Toy R Us). However at the time of the 2014 and 2016 surveys, the surveys did not pick up flows specifically associated with the Toys R Us unit. The potential number of trips has been estimated based on trip rates from the 2016 surveys and applied to the ground floor area with trip rates and resultant flows.

Table 4.7 contained within the TA compares the existing flows and proposed flows,

Resultant Change in Trips (Existing vs Proposed)				
Period	Pm Peak		Saturday Peak	
	Arrive	Depart	Arrive	Depart
Existing use	61	73	105	112
Proposed	112	91	104	116
Difference	51	22	-1	4

The applicant then provides analysis regarding linked trips, setting out the assumed vehicle trip generation by trip type for the weekday PM and Saturday afternoon peak hours respectively. 70% and 80% of the trips associated with the gym are being treated as new during the evening and Saturday afternoon peaks respectively. No linked trips have been applied to the Non-food retail on the grounds that the flows are those observed entering / exiting the car park and as such have been accounted for.

The modelling suggests that there would be 1 additional arrival every 2 minutes during the weekday evening peak hour and no change during the Saturday afternoon peak hour.

Traffic Impact

Access to the site is taken from the A229 Maidstone Road via a four arm roundabout junction operating under priority control, with the northern and southern arms being the A229, the eastern arm Shirley Avenue and the western arm the car park. There is a signalised pedestrian crossing over the A229 Maidstone northern arm, with the signalised crossing over the southern arm approximately 250m south of the roundabout. The junction is known to operate at capacity during the weekday evening peak hour and within capacity at other times

Capacity assessments have been carried out throughout a number of scenarios. The assessments indicate that the junction currently operates close to capacity in the 2016 Observed Scenarios, and will operate at capacity in the future Base and Development Scenario assessments with longer queues and higher RFC values and delays.

The results of the modelling demonstrate that queues would increase in the Development Scenario on the A229 northern and southern approaches, and marginally on the Retail Park egress, and that implementing the improvement works would mitigate the potential effects of the proposed development, with the exception of on the A229 Northern Approach.

Mitigation measures

Contained within the previous approval (MC/17/4259), the applicant provided mitigation to improve traffic flows through the adjacent roundabout. The applicant has outlined the same works (which were approved subject to full details being submitted to Local Planning Authority)

To summarise the mitigation works would involve

1. Widening the retail park access to provide two exit lanes, with the off-side lane for right turns and the nearside lane for ahead and left turn movements.
2. Adjustments to the give-way line and cutting back of vegetation at the retail park egress to improve visibility to the south
3. Provision of barriers on in the central reservations to reduce visibility and approach speeds on the northern and southern arms of the junction
4. Widening of the southern arm of the junction, providing a short left-turn lane for traffic entering the retail park
5. The provision of a signalised pedestrian crossing across the southern arm of the junction to improve accessibility to and from the south-east, which would also assist in creating gaps in the traffic flow

With these measures in place, a capacity assessment indicates that the junction would operate better in 2023 than the baseline scenario with no development, with the exception of the northern arm. Overall, the junction would still operate at, or very close to, its theoretical capacity during the evening peak period and the northern arm would operate over capacity with queues predicted to double in length.

Parking

The proposals associated with the consented Aldi and KFC would result in the loss of 175 spaces from the northern car park thereby reducing the number of spaces to 220 and overall to 541. Implementing the two consents will result in a total of 228 parking spaces in the northern car park and 549 overall, plus 2 “Grille” spaces for KFC. No changes are proposed to the number of spaces in the southern car park.

The applicant has provided cumulative demand for parking which outlines that occupancy levels could increase to 192 spaces (84%) of the 228 available spaces in the northern car park during the Saturday afternoon with lower levels at other times. The applicant within Table 4.26 provides a summary for the wider car park for the whole retail park for the

weekday and Saturday afternoon which establishes that occupancy levels would peak at 45% during the weekday and 64% on the Saturday.

Furthermore when the parking is considered against other local retail parks the ratio in parking spaces to floor space is similar. The table below demonstrates those that have been considered

Retail Park	GFA (sqm)	Parking	Ratio	Tenants
Horsted Retail Park	16,410	549	30	Currys, Pets at Home, Tapi. Aldi, Homebase, Home Bargains, UFC gym, KFC
London Road Retail Park	8,231	295	28	Dreams, Dunelm, Home Bargains, Argos, Jolly Pets, The Food Warehouse
Gillingham Retail Park	10,647	362	29	Magnet, Iceland, Pets at Home, Dreams, Aldi, Harvey, Carpet Right, Poundland
South Aylesford Retail Park	20,019	537	37	Homebase, Carpet Right, Wren, Currys, Smyths, OFL, M & S food, Pets at Home, Harveys, Nandos, Costas
Strood Retail Park	14,250	336	42	Argos, B & M, Carpetright, KFC, Next, Poundland, Matalan, M & S food, The Gym Group

It is considered to be a robust assessment, and demonstrates that the proposed levels of parking would accommodate the demand generated by the development.

Other Matters

The proposed additional loading bay to the rear of the smaller retail unit would not impact on the existing service yard and turning provision

Paragraph 110E of the NPPF 2019, outlines that developments should be designed to enable electric charging points and therefore a suitably worded condition is recommended.

Highways Conclusion

Whilst the proposal would result in additional impact on the A229 Northern Approach, on Balance It is considered that this additional impact would not result in a severe impact that would be sufficient to warrant refusal of the application. Therefore the proposal complies with the transport policies T1, T4 and T13 of the Local Plan 2003. In accordance paragraphs 109 and 110 with the National Planning Policy Framework 2018, the development provides sustainable transport opportunities and safe and suitable access for all users.

Local Finance Considerations

None

Conclusions and Reasons for Approval

Overall, the proposal will encourage sustainable retail and leisure uses; provide greater choice and competition for the local consumer (in line with Government objectives); deliver 88 employment opportunities and further enhance the appearance of one of Chatham's gateway sites.

The applicant has undertaken a sequential test with respect to both proposed uses and concludes that no suitable sites in the main centres or edge of centres are available for the intended occupiers.

The application proposes a number of alterations to the existing building to facilitate the sub-division (in addition to internal alterations). The sub-division of the existing unit and internal alterations will revitalise the northern part of Horsted Retail Park.

The application has been assessed with respect to the impacts of the physical alterations and change of use and is considered to be acceptable and is recommend for approval subject to the conditions as set out.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>